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New York

President:	Mr. Al-Khussaiby	(Oman)
Members:	Argentina	Mr. Cárdenas
	Botswana	Mr. Legwaila
	China	Mr. Qin Huasun
	Czech Republic	Mr. Kovanda
	France	Mr. Dejammet
	Germany	Mr. Eitel
	Honduras	Mr. Martínez Blanco
	Indonesia	Mr. Wisnumurti
	Italy	Mr. Fulci
	Nigeria	Mr. Ayewah
	Russian Federation	Mr. Fedotov
	Rwanda	Mr. Ubalijoro
	United Kingdom of Great Britain and Northern Ireland	Sir John Weston
	United States of America	Mr. Gnehm

Agenda

The situation in the former Yugoslavia

95-86594 (E)

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The meeting was called to order at 6.25 p.m.

Adoption of the agenda

The agenda was adopted.

The situation in the former Yugoslavia

The President: I should like to inform the Council that I have received letters from the representatives of Bosnia and Herzegovina and Croatia, in which they request to be invited to participate in the discussion of the item on the Council's agenda. In conformity with the usual practice, I propose, with the consent of the Council, to invite those representatives to participate in the discussion without the right to vote, in accordance with the relevant provisions of the Charter and rule 37 of the Council's provisional rules of procedure.

There being no objection, it is so decided.

At the invitation of the President, Mr. Misić (Bosnia and Herzegovina) and Mr. Drobnjak (Croatia) took places at the Council table.

The President: I have received a request dated 9 November 1995 from Mr. Jovanovic. With the consent of the Council, I propose to invite him to take a seat at the side of the Council Chamber.

There being no objection, it is so decided.

At the invitation of the President, Mr. Jovanovic took a seat at the side of the Council Chamber.

The President: The Security Council will now begin its consideration of the item on its agenda.

The Security Council is meeting in accordance with the understanding reached in its prior consultations.

Members of the Council have before them document S/1995/940, which contains the text of a draft resolution submitted by Argentina, the Czech Republic, France, Germany, Italy, the Russian Federation, the United Kingdom of Great Britain and Northern Ireland and the United States of America.

I should like to draw the attention of the members of the Council to document S/1995/910, which contains the text of a letter dated 31 October 1995 from the President of the International criminal Tribunal for the former Yugoslavia addressed to the President of the Security Council.

It is my understanding that the Council is ready to proceed to vote on the draft resolution before it. Unless I hear any objection, I shall put the draft resolution to the vote.

There being no objection, it is so decided.

I shall first call on those members of the Council who wish to make statements before the voting.

Mr. Eitel (Germany): On 30 October the German delegation took the initiative in the Security Council for another energetic attempt to establish the fate and the whereabouts of the missing Bosnian men from Srebrenica, Zepa and the wider Banja Luka area. We are gratified that this initiative has now led, thanks to the efforts and support provided by the United States of America, to the draft resolution currently before the Council on violations of international humanitarian law in the former Yugoslavia.

We are alarmed and deeply concerned at an increasing number of eye-witness accounts and newspaper reports to the effect that large numbers of missing men from Srebrenica and Zepa, and also from the Banja Luka area, have probably been killed in summary executions or led away by Bosnian Serbs to unknown destinations.

In particular, we are deeply worried that, months after the fall of Srebrenica and Zepa, no significant progress has been made in the search for the missing persons — this although the Security Council has already dealt with this matter repeatedly and has adopted three formal decisions. We are shocked that massive violations of international humanitarian law are apparently still going on in the wider Banja Luka area.

We have to insist that immediate access to all detainees from Srebrenica, Zepa and the wider Banja Luka area must be granted, in particular, to the International Committee of the Red Cross (ICRC). We demand that the safety and well-being of all persons detained by Bosnian Serbs or on the territory of the FRY be ensured and that Bosnian civilians taken prisoner be released immediately.

The draft resolution also deals with the human rights situation in Croatia, and rightly so. But let me not be misunderstood: while we are deeply worried about the

situation in Croatia, we are fully aware of the different qualitative and quantitative dimensions of the violations of international humanitarian law and the human rights violations committed by Bosnian Serbs in Srebrenica, Zepa and the wider Banja Luka area. We also note that the Croatian side has consistently granted access to the Krajina region to human rights observers, whereas the Bosnian Serbs have systematically blocked all access to the Bosnian Serb sites in question. This attitude even led on 31 October to a formal request from the President of the International criminal Tribunal to the Security Council to consider further measures against the Bosnian Serbs in order to achieve cooperation by the Bosnian Serbs with the Tribunal.

The probable summary execution of thousands of Bosnian men by Bosnian Serbs is a war crime without parallel in the former Yugoslavia. Or is there any objective party which would claim that, equally, thousands of draft-age Serb Croat men were separated from their families and killed in summary executions, as apparently perpetrated by the Bosnian Serb side? The answer is no. We would therefore warn against any attempt to equate the war crimes committed by the Bosnian Serbs with the human rights violations that have occurred in Croatia.

With regard to Croatia, we are deeply concerned by ongoing reports from human rights monitoring missions concerning killings and mistreatment of mostly elderly civilians, as well as deliberate arson and looting in the Krajina region. These reports contradict Croatian promises that the Croatian Government will do its utmost to stop these events, and thus have an overall negative impact on the return of the Serbian refugees to their homes. We therefore urge the Croatian Government once again to ensure that its own commitments be honoured.

Germany fully supports the ongoing efforts of the ICRC and United Nations representatives to gain access to the detainees in question and to get information about the fate of all missing persons. We continue to pray that they are still alive. We cannot allow these events to be forgotten in the context of a peace settlement for the former Yugoslavia. Germany therefore calls upon all States, in particular the Federal Republic of Yugoslavia (Serbia and Montenegro) and all parties to the conflict to cooperate fully with the International criminal Tribunal in The Hague.

Germany has consistently argued that the Security Council has to follow up on this matter. We feel there is an urgent need for the Security Council to react to the strong indications of war crimes and to prevent further human rights violations in the area. We therefore welcome the fact that the draft resolution takes up our proposal by requesting that a written report be submitted by the Secretary-General based on all information available to the United Nations concerning recent violations of international humanitarian law in Srebrenica, Zepa and the wider Banja Luka area. We urgently need this report as a solid base of information on which to act.

My delegation will vote for the adoption of the draft resolution.

Mr. Ayewah (Nigeria): Mr. President, permit me to congratulate you on your assumption of the presidency of the Council for the month of November. You can count on the support of the Nigerian delegation.

The humanitarian situation in the former Yugoslavia, particularly the plight of innocent civilians in areas of conflict in Bosnia and Herzegovina and recently in Croatia, remains a serious concern to the international community, and rightly so. From what we have read, seen and been told, the worst atrocities committed against innocent and unarmed civilians in this theatre of war constitute a gross violation of international humanitarian law.

It is for this reason that the Security Council decided to establish an International Criminal Tribunal for the former Yugoslavia. Unfortunately, this Tribunal has experienced operational difficulties. This is understandable, given the fact that it is the first of such tribunals established by the United Nations. We note, however, that the Tribunal has now handed down its first indictment, and we call on the parties concerned, as well as the States of the region, to extend the necessary cooperation to it, so as to enable it fully to discharge its responsibilities.

Concerning the present draft resolution, it is a matter of regret that the Bosnian Serb authorities, as well as the Government of Croatia, have not heeded our call to them in several resolutions and presidential statements to strictly comply with their provisions and to respect the rights of the persons in their areas of control, irrespective of their ethnic, cultural or religious affiliations. In this regard, the events in Zepa and Srebrenica, and recently in Banja Luka and Sanski Most, represent only the latest in a long series of condemnable acts by the Bosnian Serbs.

With respect to the Croatian authorities, their treatment of ethnic Serbs living in Croatia, particularly in former sectors North, West and South, is contrary to their repeated claim of belief in a multireligious and multi-ethnic society. To date, conditions do not exist that would demonstrate to the outside world and convince the minority Serbs that their rights would be protected by the rulership in Zagreb. Some of the legislation that has been enacted does not facilitate the voluntary return of the many Serb refugees who have fled or are being forced to flee their homes.

It is against this backdrop that this draft resolution is a necessary reminder to all the parties to the conflict in former Yugoslavia of their obligations to cooperate with the United Nations, the International Committee of the Red Cross and the Office of the United Nations High Commissioner for Refugees in investigating and determining reports of serious violations of international humanitarian law. It is also appropriate to restate the obligations of all States, and in particular those in the region of the former Yugoslavia, to comply fully with the provisions of Security Council resolution 827 (1993) by cooperating fully with the International Tribunal.

As a general observation, let me state that my delegation rejects any attempt to strike a balance or compare the atrocities of one side to that of the other. All acts of violations of international humanitarian law stand condemned and should be judged individually. No act of violence by one party justifies a similar act committed by the other. Furthermore, the passion of war, the fear of defeat or loss of territory cannot justify the violation of the basic rights and freedoms of non-combatants.

Finally, let me appeal to all the parties to give peace a chance and enhance the success of the ongoing peace talks by refraining from any action that could destabilize the fragile truce on the ground.

On the basis of the foregoing, my delegation will vote in favour of the draft resolution.

The President: I thank the representative of Nigeria for his kind words addressed to me.

Mr. Qin Huasun (China) *(interpretation from Chinese)*: Please allow me at the outset to extend warm congratulations to you, Mr. President, on your assumption of the presidency of the Security Council for this month. I am convinced that your talent and rich experience in foreign affairs will enable you to guide the Council's work this month with success.

I should also like to thank your predecessor, Ambassador Gambari of Nigeria, for having successfully steered the work of the Council last month.

Recently there have been new and positive changes in Bosnia and Herzegovina. The parties to the conflict have entered into a cease-fire and are now holding peace talks in Ohio. We welcome those developments. Peace benefits everyone, and no one benefits from war. We believe that the parties concerned should make full use of this opportunity to find a proper solution acceptable to all through earnest negotiations. At the same time, the international community should further intensify its diplomatic and political efforts to facilitate a comprehensive political settlement of the question of Bosnia and Herzegovina.

The Chinese delegation has always been concerned about violations of international humanitarian law in the former Yugoslavia. We urge the parties to the conflict to cease immediately all hostilities and all acts in violation of international humanitarian law, to cooperate with international humanitarian agencies and to strive to create a favourable atmosphere for the promotion of progress in the peace talks on Bosnia and Herzegovina.

The main purpose of the draft resolution before us is to call for the early settlement of the questions regarding persons detained or reported missing in this region. The Chinese delegation will therefore vote in favour of it.

However, I should like to point out that each United Nations body should fulfil its own mandate, as set forth in the Charter. Each of them has its own responsibilities and functions and should act accordingly. The Security Council should not, in principle, deal with questions of human rights. Moreover, the International Criminal Tribunal for the former Yugoslavia has its own explicit provisions for the prosecution of persons responsible for serious violations of international humanitarian law. The Security Council should refrain from involving itself in the work of the International Tribunal. We therefore have reservations with regard to the relevant portions of the draft resolution, and we request that they be reflected in the record.

The President: I thank the representative of China for his kind words addressed to me.

Sir John Weston (United Kingdom): I want to start, like others, by congratulating you, Sir, on your assumption of office this month, and may I also congratulate Ambassador Gambari, through the Nigerian delegation, for the excellent conduct of our affairs last month.

This draft resolution, of which the British delegation is a co-sponsor, underlines the importance that the Security Council continues to attach to the highest respect for human rights and international humanitarian law in the former Yugoslavia. The draft resolution makes it clear that there are no exceptions to this, whether for this or that party, or in this or that set of circumstances. All concerned must comply fully with their obligations. Against that background, however, it is right that the Council should address three recent and deeply disturbing events in particular: the disappearance of large numbers of civilians following the fall of Srebrenica and Zepa to Bosnian Serb forces; the brutal campaign of "ethnic cleansing" in the Banja Luka region; and systematic violations of the rights of Croatian Serbs in the Krajinas.

The Security Council's reaffirmation of the unacceptability of any such actions comes at a time when the parties are actively engaged in negotiations on a political settlement to bring to an end the upheavals of the last three years. This draft resolution is therefore a timely reminder to those parties that they cannot expect to talk peace while at the same time promoting or actively condoning such activities as murder or ethnic cleansing. They cannot expect the international community simply to ignore events such as these. Nor can those parties expect to enjoy the support or respect of the international community unless they are prepared to demonstrate by deeds — not words — their genuine commitment to upholding respect for the law throughout their territories.

Over two years ago this Council decided to establish an International Tribunal to investigate violations of international humanitarian law throughout the former Yugoslavia. The British Government is fully aware of its responsibility to continue to support the work of the Tribunal, both in terms of financial assistance and by making any relevant information available to the Tribunal. We remind the parties of their obligation to cooperate fully with the work of the Tribunal. In particular, we call on the Federal Republic of Yugoslavia (Serbia and Montenegro), to facilitate the establishment of an office of the Tribunal in that country without delay, and we call on the Bosnian Serbs to comply with the orders and decisions of the Trial Chamber of the Tribunal.

The President: I thank the representative of the United Kingdom for his kind words addressed to me.

Mr. Legwaila (Botswana): Allow me first to congratulate you, Sir, on your assumption of the presidency of the Security Council for this month, and to wish you every success. I also wish to pay tribute to Ambassador Gambari for a job well done.

Three months after the fall of Srebrenica the fate of thousands of men and boys of draft age is still unknown, because the Bosnian Serbs have denied representatives of the International Committee of the Red Cross (ICRC) and other international humanitarian agencies access to the town. If the Serbs have nothing to hide, we wonder why they are unwilling to grant access to persons displaced from Srebrenica. Their behaviour would seem to confirm our worst fears — that shocking atrocities may have been perpetrated against the helpless and defenceless people of Srebrenica when their town was overrun by the Bosnian Serb party. Reports that captives were shot in cold blood do not go away. If these reports could be categorically confirmed, the action of the Bosnian Serb party would constitute the most blatant and flagrant violation of international humanitarian law and the accepted norms of international morality.

The Secretariat has recently informed the Security Council of similar Serb atrocities in the regions of Banja Luka and Sanski Most. Draft-age men are reported to have been rounded up, and some of them summarily executed. There are also corroborating reports which confirm that 120 civilians were killed by the Serbs before the fall of Sanski Most. In addition, there is evidence that some of those detained had been maltreated and/or used in degrading forced labour.

Botswana wishes to express its strong disquiet at these incidents of human rights violations, and insists that the Serbs should abide by the Security Council resolutions and cooperate fully with the ICRC and other international humanitarian organizations in this very important matter.

It is against this background that Botswana will vote in favour of the draft resolution before us. However, we do so under no illusion that its adoption will have any significant effect on the behaviour of those being addressed. Equally, while it is almost impossible to draw a line between the political and human rights aspects of the war in Bosnia, it is important that the Security Council guard against the possibility of infringing on the

responsibility of the competent bodies of the United Nations, especially the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991. This could be damaging to whatever prestige and credibility the Council can still claim on the question of the former Yugoslavia.

It is important that we avoid the temptation to politicize human rights. We all know that the human rights situation in the former Yugoslavia has been the most disastrous, to say the least, and we also know that the Serbs have been the worst violators. But none of the parties in that senseless war has a clean record or is an angel. Botswana believes that all human rights violations in the Republic of Bosnia and Herzegovina should be investigated and those found responsible should be brought to justice. Similarly, all human rights violations committed in the territory of Croatia should be investigated, and appropriate charges should be preferred against the suspects irrespective of their origin.

The President: I thank the representative of Botswana for his kind words addressed to me.

Mr. Martínez Blanco (Honduras) (*interpretation from Spanish*): Allow me to congratulate you, Sir, on your assumption of the presidency of the Security Council for this month. We are well aware of your experience and your great professional qualities, and we therefore have no doubt that the work of the Security Council under your guidance will be crowned with success. I hardly need to say that, to that end, my delegation will provide all the cooperation we possibly can.

We wish also to thank and congratulate your predecessor, Ambassador Gambari, and the entire delegation of Nigeria on the outstanding work they did last month in the Security Council.

Throughout the conflict in the former Yugoslavia, particularly in the territories of Bosnia and Herzogovina and of Croatia, there have been systematic and massive violations of human rights, as well as grave violations of international humanitarian law. The practice of "ethnic cleansing" has been the direct cause of that situation. Through mass killings, persecution, discrimination, illegal detentions, torture, rape, summary executions, relocation of populations by force, forced labour, deportation of civilians, confiscation of property and destruction of homes, we have seen in Bosnian and Croatian territory the systematic elimination of one ethnic group by another. All of these acts deserve the condemnation and repudiation of the international community. They have been described in several reports of bodies entrusted with promoting respect for human rights.

The Council has adopted many resolutions and issued many Presidential statements condemning in the strongest possible terms all those violations of human rights and international humanitarian law. Furthermore, on many occasions all the parties have been reminded of their obligation to comply with the Geneva Conventions of 1949 for the protection of victims of war and the direct responsibility of those persons who commit or order violations of those Conventions.

Today, even though we are close to achieving a peaceful solution to the conflict in the former Yugoslavia, in particular in Bosnia and Herzegovina, and despite the Council's repeated appeals the Bosnian Serb party continues to violate humanitarian law. To our consternation, we have received reports of grave violations of human rights in Srebrenica and in the regions of Banja Luka and Sanski Most, which my delegation strongly condemns.

We are similarly concerned by the information provided by United Nations humanitarian organs regarding the situation that persists in Sectors North, South and West of the Republic of Croatia. In its resolution 1009 (1995) and its presidential statements of 7 September and 3 October of this year, the Council pronounced itself on this question, condemning the actions of the Croatian Government against United Nations personnel and demanding that it respect the rights of the local Serbian population, including its right to remain or return in conditions of security. The Croatian Government is under the obligation to take measures to prevent violations of international humanitarian law in those Sectors and to determine the identities of the persons responsible so that they can be tried and sentenced. It must also rescind the menacing and illegal deadlines it has imposed on refugees for returning to Croatia to claim their possessions.

My delegation considers it deplorable that the parties have not fulfilled their commitment to allow the representatives of the United Nations High Commissioner for Refugees, the International Committee of the Red Cross and other humanitarian organizations to have access to persons displaced and persons reported missing or detained in the regions of Srebrenica, Zepa, Banja

Luka and Sanski Most. Such access is of priority importance in order to determine what actually happened in the cases reported. It is equally important that all the parties to the conflict in the former Yugoslavia cooperate fully with the International Tribunal established by the Council in 1993, which is entrusted with the investigation of violations of humanitarian law committed since 1991 and the trials of all persons responsible for them.

For these reasons, my delegation will vote in favour of the draft resolution now under discussion.

The President: I thank the representative of Honduras for his kind words addressed to me.

Mr. Wisnumurti (Indonesia): Allow me at the outset to congratulate you, Sir, on your assumption of the presidency of the Security Council for the month of November and to assure you of my delegation's full cooperation in the discharge of your duties. We are confident that your wisdom and well-known leadership qualities will ensure substantial progress in our work. I should also like to congratulate your predecessor, Mr. Ibrahim Gambari of Nigeria, for his exemplary stewardship of the Council during the month of October and applaud his delegation for a job well done.

The situation in the Republic of Bosnia and Herzegovina and the Republic of Croatia is currently entering a crucial phase. The ongoing talks in Dayton, Ohio, offer some hope that progress will be achieved in the effort to arrive at a comprehensive political solution to the conflict. The balanced approach of the draft resolution before us today reflects the Council's sensitivity to this reality, while it remains steadfast to the principled position the Council has adopted regarding violations of international humanitarian law in the territory of the former Yugoslavia.

The Indonesian delegation shares the deep concern expressed in the draft resolution regarding the continuing violation of international humanitarian law and human rights in the Republic of Bosnia and Herzegovina and the Republic of Croatia, as well as the potential consequences for the peace process if this terrible and tragic situation is not expeditiously dealt with. The draft resolution aspires to take a comprehensive view of the crisis that addresses the mutual obligations and responsibilities of all the warring parties. It reiterates the demands and calls made by the Council in previous resolutions, while taking into account the most recent developments.

We would like to make particular reference to the draft resolution's reaffirmation of the demand that the Bosnian Serb party provide immediate access to representatives of the United Nations High Commissioner for Refugees, the International Committee of the Red Cross and other international agencies to persons displaced and to persons detained or reported missing from Srebrenica, Zepa, and the regions of Banja Luka and Sanski Most. Such action is deemed imperative in the light of the continuing reports of mass murders and atrocities committed by the Bosnian Serbs in those areas.

In addition, we would like to emphasize the demand that all States cooperate fully with the International Tribunal as it performs its investigative functions. To assist in this endeavour, all parties must refrain from destroying or tampering with evidence.

My delegation will therefore vote in favour of the draft resolution now before us. We are confident that the adoption of this draft resolution will send a clear signal to the parties concerned regarding the Council's resolve to put an immediate end to the tragic crisis.

The prospects of this conflict's entering another winter, which would surely compound the suffering of the people of this region to an extent not seen since World War II, should provide a sombre and sobering reminder of what is at stake. The current reality of the situation requires nothing less than a coordinated and cooperative response from this Council if the current opportunity for a political settlement is to be fully taken advantage of. We believe, therefore, that support for this draft resolution is necessary in order to demonstrate a sense of coherence, cooperation and resolve on the part of the Council as the peace negotiations continue.

The President: I thank the representative of Indonesia for his kind words addressed to me.

Mr. Fedotov (Russian Federation) (*interpretation from Russian*): Allow me first, on behalf of the Russian delegation, to congratulate you, Sir, on your accession to the Presidency of the Council for the month of November and to express our confidence that under your wise guidance the Security Council will carry out its work successfully and effectively. Our delegation is prepared to help in any way to achieve that end. We should also like to express our gratitude to Ambassador Gambari and his entire delegation for Nigeria's skilful guidance of the Council last month.

The Russian delegation, together with other members of the Contact Group, is a sponsor of the draft resolution on the violation of human rights in the territory of the former Yugoslavia. The conflict that has been raging there for several years has led to much suffering, without precedent in post-war history, for peoples that up to then had been living in peace as good neighbours. The civil wars in the former Yugoslavia have become a real human tragedy, numbering hundreds of thousands of peaceful inhabitants among its victims, as a result not only of hostilities, but also of countless cases of gross and massive violations of human rights.

Russia strongly supports the draft resolution's condemnation of all violations of international humanitarian law and human rights in the territory of the former Yugoslavia, regardless of who committed them. We are seriously concerned by reports on violations of international humanitarian law in Srebrenica and Zepa, as well as by the fact that representatives of the United Nations High Commissioner for Refugees, the International Committee of the Red Cross and other international agencies have still not been allowed access to the regions where those violations are thought to have occurred.

The wording of the draft resolution in this respect is tough but fair. At the same time, the draft resolution sets out clearly the Security Council's conviction that there must not be a selective approach to the protection of human rights in the former Yugoslavia.

The continuing large-scale violations of the rights of the Serbian population in the former Sectors West, North and South — including burnings, the looting of homes, forced repatriation and the killing of civilians — are causing serious concern. The Serbian inhabitants of Krajina must have the right to return in conditions of safety. Any attempt to introduce time-limits for them to reclaim their property is unacceptable. The draft resolution contains clear demands in this respect.

Russia supports the demand to all States and parties in the former Yugoslavia to cooperate with the International Tribunal, and again confirms its position with regard to the inadmissibility of the use of the Tribunal's activities to "demonize" any of the parties to the conflict. The task of the Tribunal is to elucidate the truth and to punish appropriately those specific persons whose guilt of crimes against humanity has been established, regardless of their ethnic or religious affiliation.

We also continue to be alarmed at the fact that hundreds of thousands of people have been forced to leave their native homes as a result of the latest hostilities in Croatia and in Bosnia. A humanitarian crisis of unprecedented scale has arisen, which requires a swift and appropriate reaction by the international community.

The Russian Federation, for its part, is increasing its efforts to provide humanitarian assistance for refugees and displaced persons, whose situation is deteriorating further owing to the onset of a cold and snowy winter. With regard to the Federal Republic of Yugoslavia, we must not forget that a sanctions regime is still in force, substantially complicating these humanitarian efforts. The time is ripe to discuss the question of lifting these sanctions, particularly in the light of the successfully developing process of peaceful settlement.

Russia has prepared an appropriate initiative and hopes that it will be considered in the next few days. Time does not wait; it requires swift and responsible decisions.

The President: I thank the representative of the Russian Federation for his kind words addressed to me.

The Council will now proceed to the vote on the draft resolution before it (S/1995/940).

A vote was taken by show of hands.

In favour:

Argentina, Botswana, China, Czech Republic, France, Germany, Honduras, Indonesia, Italy, Nigeria, Oman, Russian Federation, Rwanda, United Kingdom of Great Britain and Northern Ireland, United States of America

The President: There were 15 votes in favour. The draft resolution has been adopted unanimously as resolution 1019 (1995).

I shall now call on those members of the Council who wish to make statements following the voting.

Mr. Fulci (Italy): As this is the first time that I am speaking in a formal meeting of the Security Council under your able leadership, I should like to begin by expressing to you, Sir, and to your collaborators the warmest congratulations of the Italian delegation and our best wishes for the complete success of your presidency. At the same time, I wish to thank your predecessor,

Ambassador Ibrahim Gambari, and the Nigerian delegation for the excellent job done in leading the Council during the month of October.

Italy welcomes the adoption of today's Security Council resolution, which deals with the problem of serious violations of humanitarian law and human rights in Bosnia and Herzegovina and in the former Sectors North, South and West in Croatia. My country has consistently maintained that any and all violations of human rights in the former Yugoslavia — whoever their authors may be — must be firmly condemned and, if possible, punished. The resolution adopted by the Council today, in whose drafting Italy participated in the framework of the Contact Group, is a move in this direction.

In this context, we believe that the main focus must be on the extremely serious case of persons from Srebrenica, Zepa and, more recently, Sanski Most, who remain unaccounted for. Here, I must add that I am very grateful to our German colleague for taking up this subject, with a very eloquent statement, in our informal consultations.

As for the male population of Srebrenica and Zepa, we must recall that for several months now, despite repeated appeals by the Security Council, the Bosnian Serb authorities have denied the Office of the United Nations High Commissioner for Refugees, the International Committee of the Red Cross and other international humanitarian agencies access to persons detained or unaccounted for, as well as to sites considered suspicious. In the light of the news reported by the international media, and especially of the indications provided by the Permanent Mission of the United States, concerning possible mass murders in the area of Srebrenica, which are tragically reminiscent of similar episodes during the Second World War, this attitude is totally intolerable and totally inadmissible.

Another point addressed by today's resolution is the cooperation of the parties with the International Tribunal on the former Yugoslavia. In this regard, we wish to recall that, while representatives of the Tribunal are already present and operating in Zagreb and Sarajevo, the representative assigned to the Federal Republic of Yugoslavia (Serbia and Montenegro) has not yet received the necessary authorization from the Belgrade authorities. This disappointing situation has been illustrated by the President of the Tribunal, Judge Antonio Cassese, who visited New York this week in connection with the General Assembly's discussion on the report of the International Tribunal for the former Yugoslavia. We hope very much that the Yugoslav Government will issue these authorizations as soon as possible, thus confirming the constructive spirit that it has shown in the framework of the latest developments in the negotiations.

Today's resolution also deals with the problem of human rights violations in Croatia's former United Nations protected areas. The news from various sources, including the United Nations Confidence Restoration Operation in Croatia and the United Nations humanitarian agencies, is unquestionably of concern — to such an extent that it hardly helps to create the necessary conditions for a return of refugees to their places of origin and to guarantee safe and stable living conditions for the Serbian population in territories where they lived peacefully for centuries.

In conclusion, I wish to observe that today's resolution is to be seen in the general framework of the peace process, whose latest developments in Dayton my delegation is following with great hope. We believe, in fact, that a political solution to the conflict in the former Yugoslavia cannot, in any case, be independent of a solution to the serious humanitarian problems that have occurred in recent years, which have horrified the conscience of the whole international community.

This is why Italy voted in favour of the resolution.

The President: I thank the representative of Italy for the kind words he addressed to me.

Mr. Dejammet (France) (*interpretation from French*): Allow me to congratulate you most sincerely, Sir, on your assumption of the presidency and to assure you of the support of the French delegation in your work of guiding our deliberations.

I should like also to convey my congratulations to Ambassador Gambari and to the Nigerian delegation for the excellent manner in which the Council's debates were conducted last month.

Now that a peace process has finally begun, in accordance with the wishes and the views of the Council, the resurgence of intolerance, violence and "ethnic cleansing" that we have seen in certain parts of the territory of the former Yugoslavia must be strongly condemned. The absence of any reaction on our part would compromise the progress towards a just and lasting peace — the common objective of the Contact Group in

charge of the Dayton talks, of the members of our Council and of the international community.

This is the meaning that France, which was a sponsor of the draft, attaches to the resolution we have just adopted. All acts of violence and all violations, not only of international humanitarian law but also of human rights, throughout the territory of the former Yugoslavia are strongly condemned, wherever they occur and whoever their perpetrators may be. Numerous stands have already been taken on many of these crimes, and not repeating those condemnations here in detail in no way means that we have forgotten them. But certain recent facts required particular mention, due to their scope and to their potentially very dangerous consequences.

France had taken the initiative in respect of the resolution that immediately condemned the crimes committed by the Bosnian Serb during the fall of the enclaves of Zepa and Srebrenica. The continuation of these crimes and their extension to non-Serb populations in Western Bosnia, in turn required strong and clear condemnation. That has just been done. By also recalling at this time the importance of the role of the International criminal Tribunal and the need to enable it fully to carry out its work, the resolution we have just adopted faithfully reflects the unchanging position of my country.

However, when reprehensible acts have other perpetrators, even if they are not of the same scope, they must also be denounced. Thus it was deemed necessary to recall the demand the Council has addressed to the Croat authorities regarding the safety and the right to return of the Serb populations driven out by the war from the former Sectors West, North and South of the Republic of Croatia. However, these tragedies cannot erase the memory of those that the non-Serb population driven out of Eastern Slavonia has been experiencing for many years. That is why we support unreservedly the process of peaceful negotiation that is now under way in Croatia. As soon as possible, all peoples, without distinction as to origin, must have the right to return to their homes.

Finally, we must salute and support the actions of the United Nations peace-keeping forces and of all other United Nations personnel. Their role is decisive on the ground as well as in the humanitarian sphere — and this, throughout the territory of the former Yugoslavia and in particular in the Republic of Bosnia and Herzegovina. All the Members of the United Nations involved in this effort will welcome the mark of recognition that this resolution represents.

The President: I thank the representative of France for the kind words he addressed to me.

Mr. Kovanda (Czech Republic): My delegation offers its congratulations to you, Sir, on your assumption of the presidency of our Council, and we also most warmly congratulate your predecessor, Professor Ibrahim Gambari, for having managed to get all our work done last month, the United Nations jubilee celebrations notwithstanding.

Although we co-sponsored it, my delegation is completely exasperated over the fact that we would even need resolution 1019 (1995). One would have hoped that after three or four years of constantly appealing to, admonishing, castigating, criticizing, ostracizing and condemning people involved in "ethnic cleansing", indeed after the formation of an International Tribunal to deal with these crimes — the first of its kind since the Nuremberg Court 50 years ago — no one could possibly still be deaf. And yet, amazingly, an epidemic of deafness seems to have affected whole groups of people, even important people, in Croatia, and in particular in Serb-controlled Bosnia. This deafness has prevented them from appreciating that "ethnic cleansing", violations of humanitarian law and wholesale violations of human rights do not belong among instruments of war, let alone of politics, in countries of today's civilized world. These people, even important people, place themselves beyond the pale of civilized discourse.

We have heard, even here in the United Nations, the argument that the recent Serbian slaughter of Muslim and Croat innocents in places like Banja Luka and Sanski Most was caused, or perhaps provoked, by Croat and Bosnian Government advances along the nearby line of fighting. We must declare most resolutely that efforts to establish this kind of linkage, this type of causality, this type of *quid pro quo* are repugnant and absolutely unacceptable. No matter what we feel about the movement of the battlefront, about violations of cease-fires about one side prevailing over the other in combat, we all have to recognize one thing: there is a fundamental difference between, on the one hand, the struggle of armed men, men in military uniform, on the field of Mars; and, on the other hand, the one-sided expulsions, rape and butchery of unarmed civilians, isolated in their individual homes, defenceless and thus scared out of their senses of the untrammelled brutality of their tormentors, whether they be forces in official uniforms, paramilitary units in black masks or vigilante squads. It is impermissible obfuscation to interpret the one as

equalling the other; it is impermissible mystification to interpret the one as causing the other; it is impermissible cynicism to interpret the one as justifying the other.

We applaud efforts to get information out about the screams of the victims. We have been particularly impressed by the reporting of *The New York Times* and that of Mr. David Rohde of the *Christian Science Monitor*. Their reporting is all the more important since our own United Nations feelers frequently do not reach quite as deep or as far as these reporters do. We are gratified by indications that the United States, whose national means have been very helpful in bringing indications of the tragedies to our attention, intends to share all its relevant information with the International Tribunal. We fully support the request that the Secretary-General submit a written report on the issue at hand, based — I stress — on all information available.

"Ethnic cleansing" is reprehensible no matter who conducts it and no matter what methods are used. With this in mind, we are concerned at "ethnic cleansing" not only in Bosnia and Herzegovina, but also in Croatia. And even though, in Croatia, the killings may have been fewer in number, even though they may not have been organized and even though in Croatia a determined effort appears to have been made to bring the perpetrators to justice, all this is irrelevant to the victim. The wretched old man whose throat is being slashed does not particularly care whether he is one of thousands or merely of hundreds; he does not care whether the knife was authorized or not. We are on the side of the victims.

The most awful of atrocities with which we are probably dealing here is that of Srebrenica. Melos was destroyed in 416 B.C. during the Peloponnesian War, Carthage in 146 B.C. during the Third Punic War. The men of those cities were put to death, which appears to have been the fate of thousands of men in Srebrenica as well. The main difference between Srebrenica and those two cities of antiquity, whose destruction has marked the entire subsequent history of the world, was that, in Srebrenica, women and children were not actually sold into slavery.

Some 18 months ago, we were deliberating in this Chamber the shelling of Gorazde. I reflected then that perhaps, for its fiftieth birthday, the United Nations might receive a gift from the Government of Bosnia and Herzegovina, perhaps a piece of art called, for example, *The Fall of Gorazde*. I suggested that it could be exhibited outside our Chamber, in the vicinity of the tapestry of Picasso's *Guernica*. Well, it seems I made a little mistake: the possible gift would more correctly be called *The Fall of Srebrenica*.

The President: I thank the representative of the Czech Republic for his kind words addressed to me.

Mr. Cárdenas (Argentina) (*interpretation from Spanish*): At the outset, as is customary, I should like to welcome you, Sir, to the presidency of the Council. I wish also to thank the Mission of Nigeria, led by Ambassador Gambari, for the outstanding work it did last month.

This is obviously not the first time that the Security Council is meeting to address violations of humanitarian law and human rights committed in the territory of the former Yugoslavia. However, it is one of the few times that we have to discuss those reprehensible acts in the context of apparently propitious circumstances for those violations to end, since talks are under way among the parties that enable us to cherish that hope.

The Government of Argentina can only vigorously condemn the incredible reluctance of the Bosnian Serb authorities to allow humanitarian bodies access to the persons and places which they feel to be relevant to investigations into alleged violations of human rights and humanitarian law committed in Zepa, Srebrenica and Banja Luka. Inasmuch as they imply the commission of acts of depravity, such violations can hardly be committed with the general consent of the population. They are almost always committed by deviant minorities who do not respect the minimal constraints of civilized coexistence. It is those minorities whom the Serbian people must isolate rapidly if they are to comply fully with the principles that shape the international community.

As several delegations in this Council have said on previous occasions, the reluctance of the Bosnian Serb authorities to allow the humanitarian entities to act raises in itself strong presumptions against them. It is that reluctance of the Serbian authorities in Bosnia that has made it impossible reliably to ascertain the commission of these acts or to identify their perpetrators. As a result, the uncertainty and climate of suspicion today surrounding the events in Zepa, Srebrenica and Banja Luka are among the elements that are severely complicating the peace talks.

It is within those same criteria and with a similarly intense concern that we are also following the sad events occurring in the territories of Croatia formerly occupied by Serbs. The differences that may exist in the ways in which people are forced to leave a region in which they live should not make us forget that the aim pursued in all the practices being addressed here and in the resolution that we have just adopted seems ever to be the same: "ethnic cleansing".

On previous occasions, we have also said that, like other delegations, we have not felt comfortable with having to deal with a "package" of presumed violations of human rights committed by one party or another in a given conflict. In this respect, we reiterate that the values embodied in rules of this kind are not ideally suited to analysis or discussion in a "package". The violation of these rules by one of the parties neither justifies nor remotely warrants the commission of similar violations by another.

It is clear that the alleged violations of human rights and humanitarian law in Bosnia and Croatia are of such magnitude that one cannot deny or quash their political implications or their consequences for legal responsibility.

The President: I thank the representative of Argentina for his kind words addressed to me.

Mr. Gnehm (United States of America): May I join our colleagues in the Council in welcoming you, Sir, to the presidency and congratulating you on your assumption of the responsibilities.

I should also like to ask the Nigerian delegation to please convey to Ambassador Gambari on our behalf our great appreciation for the guidance and the effective leadership which he gave to this Council during his tenure.

This is a time of hope for the former Yugoslavia. The Presidents of the three Republics in the region have begun proximity talks in Dayton, Ohio, under the chairmanship of Assistant Secretary Holbrooke, Russian Deputy Foreign Minister Ivanov and the European Union's negotiator, Mr. Bildt. We congratulate the parties for this major step towards peace. We hope that these talks will lead to a true peace that would allow all the States in the region the opportunity to concentrate on providing a better life for their people.

The recent exchange of prisoners between the Bosnian Serb side and the Bosnian Government also gives us reason to hope. The United States is proud that the persistent efforts of Assistant Secretary of State John Shattuck helped bring about this humanitarian breakthrough — but more needs to be done.

The resolution before us tonight is one which my Government regrets is necessary, but of which it is proud to be a co-sponsor. It brings us back to the stark reality of the conflict in the former Yugoslavia. It reaffirms the reason why an international tribunal is so necessary to bringing to justice the criminals who are responsible for committing crimes against humanity.

When this Council adopted resolution 1010 (1995) in August, just after the fall of the "safe areas" of Srebrenica and Zepa, Ambassador Albright warned that the story was not over and had not been fully told. At that time, there were reasons to believe that many innocent Bosnians had been beaten, raped and killed. Now the evidence makes clear that this was the fate of thousands, who were forced from the enclaves by Bosnian Serb forces.

As the resolution we have just adopted clearly states, available evidence demonstrates that Bosnian Serb forces committed mass murder. What happened in Srebrenica is a war crime of historic proportions. It reminds us all of events in Europe of 50 years ago, and we cannot allow these crimes to go unpunished.

The Bosnian Serb side must allow the International Tribunal access to the sites and individuals which the Tribunal deems important for its investigations. In order to make its own assessment the International Tribunal must see and hear the evidence available. The Bosnian Serbs must allow international agencies to have access to the refugees displaced from the regions and ensure their safety. The authorities in Belgrade should also reverse their previous decision and allow the Tribunal to establish an office in Belgrade.

This resolution also rightfully addresses the incidents which occurred in the Krajina after the Croatian offensive of September. My Government strongly believes that the Croatian Government must take steps to ensure that the rights of all its citizens are respected, whether they are Croats or Serbs.

My Government recognizes that all violations of human rights are deplorable. However, we must also recognize the differences in circumstances and the magnitude of the crimes. The murder of large numbers

of civilians by Bosnian Serb forces was not the act of a few individuals acting alone. The systematic and apparently planned nature of the atrocities is evidence of an active and astonishingly brutal Bosnian Serb policy.

We owe the dead and missing of Bosnia everything we can do to ensure that the guilty are brought to justice. We must also show the living that the world cares about what happened in Srebrenica and that war criminals will be caught and punished. By uncovering the truth and demonstrating that individuals will be held to account for their actions, we can restore the faith of the people of the former Yugoslavia in justice and promote the cause of peace.

The President: I thank the representative of the United States for the kind words he addressed to me.

I shall now make a statement in my capacity as the representative of Oman.

It has been more than two months since the Security Council received a report from the Secretary-General with regard to the tragic events that have taken place in the safe areas of Srebrenica and Zepa. The report of the Secretary-General (S/1995/755), which was submitted in accordance with paragraph 4 of resolution 1010 (1995) of 10 August 1995, contains information on some of the most horrible attacks on human lives and an account of across-the-board violations of human norms and values ranging from mass murder, rape and the deportation of civilians to "ethnic cleansing".

That is the latest account the Security Council has received of the atrocities that are being committed by the Bosnian Serbs. Oman believes that this response is rather late, but better late than never. We supported the resolution just adopted for various reasons, the most important of which is that it reiterates the Council's demand that the Bosnian Serbs comply fully with the demands issued by the Council on previous occasions. These demands include immediate withdrawal from the safe areas of Srebrenica and Zepa, as called for in the statement of the President of the Security Council of 25 July 1995 (S/PRST/1995/34), refraining from any act that might go counter to international humanitarian law, and a halt to their systematic programme of "ethnic cleansing" of all non-Serb ethnic groups. We are greatly concerned at reports, including those by the representative of the Secretary-General and by other humanitarian agencies, of such atrocities. To date, the Bosnian Serbs have not heeded the demands of the Security Council, and are still refusing to give access to the International Committee of the Red Cross and other humanitarian agencies to areas under their control where such atrocities are believed to have taken place.

The Security Council and its members stand united today, demanding with one voice that this party and all other parties concerned, including the Government of Croatia, comply fully and immediately with the demands of the Security Council. Council members stand united against "ethnic cleansing" and all other types of social and religious hatred, whoever commits them in any part of the territory of the former Yugoslavia. We believe that those responsible for these atrocities bear personal responsibility for their acts and therefore should be brought to justice. That is why my country supports the work of the International Criminal Tribunal for the Former Yugoslavia. In this regard it hopes that all States, in particular those in the region of the former Yugoslavia, and all parties to the conflict, particularly the Bosnian Serbs, will comply fully with the obligations set out in paragraph 4 of resolution 827 (1993), and will cooperate in good faith with the Tribunal, including by providing access to individuals and all relevant information the Tribunal deems important for its investigation and by complying with decisions issued by a Trial Chamber, in accordance with article 29 of the Statute of the Tribunal, the latest of which was the decision issued on 20 October this year.

Oman supports the resolution that has just been adopted, and hopes that all the parties will fully understand its demands and take them seriously. We believe that the time has come for those involved in the peace process now under way to refrain from any act or violation that might jeopardize the ongoing peace talks.

I now resume my functions as President of the Security Council.

There are no further speakers for this meeting.

The Security Council has thus concluded the present stage of its consideration of the item on the agenda. The Security Council will remain seized of the matter.

The meeting rose at 7.50 p.m.